APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/866,658	05/30/2001	Jingyu Qiao	010700	5132

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EXAMINER
MILIA, MARK R

ART UNIT	PAPER NUMBER
2622	

DATE MAILED: 12/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/866,658	QIAO, JINGYU
	Examiner	Art Unit	
	Mark R. Milia	2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
   closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-10_ is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-10_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _30 May 2001_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☒ All   b)☐ Some * c)☐ None of:

   1.☒ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
      application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date _07/20/01_.
4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Priority

1.   Acknowledgment is made of applicant's claim for priority under 35 U.S.C. 119(a)-

(d) based upon an application filed in Japan on January 25, 2001. A claim for priority

under 35 U.S.C. 119(a)-(d) cannot be based on said application, since said application

was not filed by the same applicant (inventor) as the applicant in the United States, or

by his or her legal representatives or assigns. See MPEP section 201.13.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over

U.S. Patent No. 6493100 to Endo et al. in view of Japanese Patent Document No. 07-

271538 to Hasegawa cited on Information Disclosure Statement dated July 20, 2001.

Reference is made to translation of Japanese Patent Document as supplied by

applicant.

Regarding claims 1, 4, 7, and 10 Endo discloses a system which supports a power save

mode and performs printing by accepting a print request from a client comprising:

packet monitoring means for monitoring packets flowing from a client, and for updating

and storing a client-associated last receive time each time a packet is received from any

client of said printer (see column 3 line 66-column 4 line 51, reference shows a

computer that requests print jobs from a printer connected thereto which is a packet of

information therefor the reference teaches the claimed element), printer usage rate

computing means for determining, by referring to said client-associated last receive time

stored by said packet monitoring means, that any client from whose associated last

receive time has elapsed a prescribed time is in an idle condition, and for computing a

printer usage rate by summing past average usage rates of clients that have been

determined not to be in an idle condition (see Table 1, column 5 lines 15-25 and 48-61,

column 6 lines 3-18, and column 11 line 37-column 12 line 17, reference states the

storage of print start times, print end times, interval of time between print jobs, and

interval of time between last print job and the present time which is used to show the

usage rate, also known as standby values, of the printer and thus calculate the sleep

time that serves the same function as the claimed element), and time setting means for

setting, based on said printer usage rate computed by said printer usage rate computing

means, the length of time allowed before a transition is made to said power save mode

(see Table 1 and column 5 lines 12-14).

Endo does not disclose expressly receiving print requests via a network.

Hasegawa discloses receiving print requests via a network (see page 1 <0011>,

page 3 <0018>-<0021>, and page 5 <0026>).

Endo & Hasegawa are combinable because they are from the same field of

endeavor, power-save control of printers.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the network feature of Hasegawa with the system of Endo.

The suggestion/motivation for doing so would have been to provide multiple clients and printers with the advantages of a power-saving sleep mode for a printer as put forth by Endo that allows a printer to conserve energy when frequency of usage is low (see <0020>-<0021> and <0026> of Hasegawa).

Therefore, it would have been obvious to combine Hasegawa with Endo to obtain the invention as specified in claims 1, 4, 7, and 10.

Regarding claims 2, 5, and 8 Endo discloses means for forcing said printer to transition to a standby mode when said printer is in said power save mode and when said printer usage rate computed by said printer usage rate computing means is higher than a predetermined value (see column 9 lines 31-47).

Regarding claims 3, 6, and 9 Endo discloses wherein said time setting means determines the length of time allowed before the transition to said power save mode, by determining a power save interval according to said printer usage rate and subtracting an elapsed time in a mode other than said power save mode from said power save interval (see Table 1 and column 5 lines 35-44).

Conclusion

3.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. To further show the state of the art refer to U.S. Patent numbers 5900026 (Ryu), 5905900 (Combs et al.), 5933581 (Miyazaki et al.), 5937148

(Okazawa), 6081663 (Takahashi et al.), 6268925 (Yamanaka), 6408395 (Sugahara et al.), 6459496 (Okazawa), and 6594767 (Wiley et al.).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark R. Milia whose telephone number is (703) 305-1900. The examiner can normally be reached M-F 8:00am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Coles can be reached at (703) 305-4712. The fax number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Examiner
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